

## EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2007-0441-MLM-E TCEQ ID NOS.: RN100524099, RN101608545 CASE NO.: 32938

RESPONDENT NAME: CITY OF LAREDO

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

**SITE WHERE VIOLATION(S) OCCURRED:** 2519 Jefferson Street, Laredo, Webb County

**TYPE OF OPERATION:** Public water supply system, public water utility, and wastewater plant

**SMALL BUSINESS:** ☒ Yes ☐ No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

**INTERESTED PARTIES:** No one other than the ED and the Respondent has expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on May 26, 2008. No comments were received.

**CONTACTS AND MAILING LIST:**

TCEQ Attorney: Ms. Mary E. Coleman, Litigation Division, MC R-4, (817) 588-5917  
Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873

TCEQ Enforcement Coordinator: Mr. Epifanio Villarreal, Water Enforcement Section, MC R-13, (210) 403-4033

TCEQ Regional Contact: Ms. Rose Luna-Pirtle, Laredo Regional Office, MC R-16, (956) 753-4052

Respondent: The Honorable Raul G. Salinas, Mayor of City of Laredo, City Hall, 1110 Houston Street, Laredo, Texas 78040

Respondent's Attorney: Not represented by counsel on this enforcement matter.

**RESPONDENT NAME: CITY OF LAREDO**  
**DOCKET NO.: 2007-0441-MLM-E**

Page 2 of 3

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date of Complaints Relating to this Case:</b>  N/A</p> <p><b>Dates of Investigations Relating to this Case:</b>  January 11, 2007; January 18, 2007;  January 19, 2007</p> <p><b>Dates of NOEs Relating to this Case:</b>  February 2, 2007; February 21, 2007</p> <p><b>Background Facts:</b>  The case was referred to the Litigation Division on July 19, 2007. A signed Agreed Order was received on March 14, 2008.</p> <p><b>MLM</b></p> <p>1. Failed to conduct an annual inspection, tested by a certified backflow prevention assembly tester, on all backflow prevention assemblies used for health hazard protection [30 TEX. ADMIN. CODE § 290.44(h)].</p> <p>2. Failed to provide the number of connections in the distribution system [30 TEX. ADMIN. CODE § 290.46(f)(4)(A)].</p> <p>3. Failed to house all gas chlorination and ammonia equipment in separate buildings or separate rooms with impervious walls or partitions separating all mechanical and electrical equipment from the chlorine facilities [30 TEX. ADMIN. CODE § 290.42(e)].</p> <p>4. Failed to provide accurate testing equipment or some other means of monitoring the effectiveness of any chemical treatment process used by the system or to verify the accuracy of manual disinfectant residual analyzers in the chlorine residual test kit at least once every 30 days using chlorine solutions of known concentrations [30 TEX. ADMIN. CODE § 290.46(s)].</p>	<p><b>Total Assessed:</b> \$8,030</p> <p><b>Total Deferred:</b> \$0</p> <p><input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$8,030</p> <p><b>Total Due to General Revenue:</b> \$8,030</p> <p>The administrative penalty shall be conditionally offset by the completion of a Supplemental Environmental Project (SEP).</p> <p><b>Site Compliance History Classification:</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification:</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Order Justification:</b> The Respondent has had three repeated enforcement actions (NOVs) over the prior five year period for the same or similar violations.</p>	<p><b>Ordering Provisions:</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <p>1. Immediately:</p> <p>a. Begin correctly monitoring the turbidity of the CFE;</p> <p>b. Begin correctly monitoring the filtered water turbidity of the IFE; and</p> <p>c. Begin operating the water system's chlorination facilities to maintain a free chlorine residual of 0.2 mg/L throughout the distribution system at all times.</p> <p>2. Within 30 days:</p> <p>a. Submit written certification demonstrating compliance with Ordering Provision No. 1;</p> <p>b. Update the chemical and microbiological monitoring plan so that it includes all locations where coliform monitoring is conducted;</p> <p>c. Calibrate and maintain records for the calibration of the benchtop turbidimeters, online turbidimeters, and online chlorine meters;</p> <p>d. Provide the number of connections in the distribution system to the Commission;</p> <p>e. Repair the leaks at the lower plant and the pumps at the Milmo and Hendricks pump stations; and</p> <p>f. Submit the annual sludge report for the monitoring period ending July 31, 2006 to TCEQ.</p> <p>3. Within 60 days:</p> <p>a. Submit written certification demonstrating compliance with Ordering Provision Nos. 2.b. through 2.f.;</p> <p>b. Update the cross-connection control program, test all backflow prevention assemblies and certify each to be operating within specifications;</p> <p>c. Contain all gas chlorination and ammonia equipment in separate buildings or separate rooms with impervious walls or partitions separating all mechanical and electrical equipment from the disinfection facilities; and</p> <p>d. Submit a planning report that clearly explains how the retail public utility will provide the expected service demands to the remaining areas within the boundaries of its certified area.</p>

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>5. Failed to maintain a minimum free chlorine residual of 0.2 mg/L or total chlorine of 0.5 mg/L throughout the distribution system at all times [30 TEX. ADMIN. CODE § 290.46(d)(2)].</p> <p>6. Failed to maintain all water facilities and related appurtenances in a watertight condition [30 TEX. ADMIN. CODE § 290.46(m)(4)].</p> <p>7. Failed to correctly monitor the turbidity of the Combined Filter Effluent ("CFE") [30 TEX. ADMIN. CODE § 290.111(c)(2)].</p> <p>8. Failed to correctly monitor the filtered water turbidity of the Individual Filter Effluent ("IFE") [30 TEX. ADMIN. CODE § 290.111(c)(3)].</p> <p>9. Failed to maintain and up-to-date chemical and microbiological monitoring plan [30 TEX. ADMIN. CODE § 290.121(a)].</p> <p>10. Failed to submit to the Executive Director a planning report that clearly explains how the retail public utility, that has reached 85% of its capacity, will provide the expected service demands to the remaining areas within the boundaries of its certified area [30 Tex. Admin. Code ' 291.93(3)].</p> <p>11. Failed to submit the annual sludge report to the Commission by September 1, 2006 [30 Tex. Admin. Code ' 305.125(1) and the Texas Pollution Discharge Elimination System ("TPDES") Permit No. 10681-001, Sludge Provisions].</p>		<p>4. Within 75 days, submit written certification to demonstrate compliance with Ordering Provision Nos. 3.b. through 3.d.</p> <p>The Respondent shall implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A).</p>

Attachment A  
Docket Number: 2007-0441-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: City of Laredo

Penalty Amount: Eight thousand thirty dollars (\$8,030)

SEP Amount: Eight thousand thirty dollars (\$8,030)

Type of SEP: Pre-approved SEP

Third-Party Recipient: Texas Association of Resource Conservation & Development Areas, Inc. ("RC&D") *Water or Wastewater Treatment Assistance*

Location of SEP: Webb County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be to the **Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")** for the *Water or Wastewater Treatment Assistance* program in Webb County. Any remaining SEP funds after completion of the water or wastewater project may, upon approval of the Executive Director, be spent on the Plugging Abandoned Water Wells program, Cleanup of Unauthorized Trash Dumps, Abandoned Tire Site Cleanup, or other approved project to be conducted within Webb County. Specifically, SEP monies will pay for assistance to low-income residents with failing on-site wastewater systems or shallow or improperly designed potable water wells. The projects will be administered in accordance with federal, state, and local environmental laws and regulations.

Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

The wastewater portion of this SEP will provide a discernible environmental benefit by preventing the release of sewage into the environment. Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. People can be exposed through:

- Sewage in drinking water sources.
- Direct contact in areas of public access such as in lawns or streets, or waters used for recreation.

- Shellfish harvested from areas contaminated by raw sewage.
- Inhalation and skin absorption.

Sewage overflows may cause damage to the environment. A key concern with sewage overflows is the effect on rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause excess algae blooms, and kill fish and other organisms in aquatic habitats.

The unauthorized trash dump and abandoned tire clean up portions of this project would provide a discernable environmental benefit by providing for the proper disposal of debris and waste, reducing the potential health threats associated with illegally dumped wastes, helping rid the community of hazardous contaminants that may leach into the soil and water, and helping to prevent the release of harmful chemicals into the air should illegally dumped tires catch fire.

The plugging of abandoned wells project would provide an environmental benefit by reducing the potential for contamination of groundwater and aquifers from pollutants that may be dumped into the well opening.

Recycling of antifreeze would provide an environmental benefit by providing a convenient disposal method for used antifreeze. Antifreeze (ethylene glycol) is a common coolant for automobile engines. Ingestion of antifreeze and its derivatives may lead to kidney failure and harmful effects to the liver. Exposure to ethylene glycol may cause eye and skin irritation. If improperly disposed in the environment, ethylene glycol may be ingested by domestic animals or wildlife. Ingestion may be fatal to small animals. A sudden release of ethylene or propylene glycol into a waterway can produce adverse impacts upon fresh water and marine environments. Glycol degradation in the environment has a high oxygen demand and as a result threatens or negatively impacts aquatic life. Ammonia gas is also released to the environment by the degradation of glycols.

### C. Minimum Expenditure

Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

### 2. **Performance Schedule**

Within 30 days after the effective date of this Agreed Order, Respondent shall contribute the SEP Amount to the Third-Party Recipient. Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation  
and Development Areas, Inc. (RC&D)  
Attention: Eddi Darilek  
1716 Briarcrest Drive Suite 510  
Bryan, Texas 77802-2700

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. Respondent shall mail a copy of the check and transmittal letter to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

In the event of incomplete performance, the Respondent shall submit a check for any remaining amount due with the notation "SEP Refund" and the docket number of the case, and shall send it to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 9, 2007

TCEQ

Assigned	27-Feb-2007	Screening	6-Mar-2007	EPA Due	
DATES	PCW	27-Apr-2007			

## RESPONDENT/FACILITY INFORMATION

Respondent	City of Laredo
Reg. Ent. Ref. No.	RN101608545
Facility/Site Region	16-Laredo
Major/Minor Source	Major

## CASE INFORMATION

Enf./Case ID No.	32938	No. of Violations	1	
Docket No.	2007-0441-MLM-E	Order Type	Findings	
Media Program(s)	Water Quality	Enf. Coordinator	Thomas Barnett	
Multi-Media		EC's Team	EnforcementTeam 2	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$2,500

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 5% Enhancement Subtotals 2, 3, & 7 \$125

Notes The penalty enhancement is due to one Notice of Violation with the same or similar violations that are in the current enforcement action.

Culpability No 0% Enhancement Subtotal 4 \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5 \$0

Before NOV NOV to EDP RP/Settlement Offer

Extraordinary  
Ordinary  
N/A X (mark with x)

Notes The Respondent does not meet the good faith criteria.

0% Enhancement\* Subtotal 6 \$0

Total EB Amounts \$41  
Approx. Cost of Compliance \$500  
\*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$2,625

### OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount \$2,625

### STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$2,625

### DEFERRAL

0% Reduction Adjustment \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

### PAYABLE PENALTY

\$2,625

PCW-1

Screening Date 6-Mar-2007

Docket No. 2007-0441-MLM-E

PCW

Respondent City of Laredo

Policy Revision 2 (September 2002)

Case ID No. 32938

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101608545

Media [Statute] Water Quality

Enf. Coordinator Thomas Barnett

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

The penalty enhancement is due to one Notice of Violation with the same or similar violations that are in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 5%



Screening Date 6-Mar-2007

Docket No. 2007-0441-MLM-E

PCW

Respondent City of Laredo

Policy Revision 2 (September 2002)

Case ID No. 32938

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101608545

Media [Statute] Water Quality

Enf. Coordinator Thomas Barnett

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. 10681-001, Sludge Provisions

Violation Description

Failed to submit the annual sludge report to the Commission by September 1, 2006.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

The respondent failed to comply with 100% of the rule requirement.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 1

365 Number of violation days

mark only one  
with an x

daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$2,500

One annual event recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$41

Violation Final Penalty Total \$2,625

This violation Final Assessed Penalty (adjusted for limits) \$2,625

## Economic Benefit Worksheet

Respondent City of Laredo  
Case ID No. 32938  
Reg. Ent. Reference No. RN101608545  
Media Water Quality  
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	1-Sep-2006	31-Oct-2007	1.2	\$2	\$39	\$41
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to produce and submit the sludge DMRs. The date required is the due date for the sludge report and the final date is the estimated date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$41

## Compliance History

Customer/Respondent/Owner-Operator:	CN600131908	City of Laredo	Classification: AVERAGE	Rating: 1.79
Regulated Entity:	RN101608545	CITY OF LAREDO JEFFERSON WWTF	Classification: AVERAGE	Site Rating: 0.24
ID Number(s):	WASTEWATER	PERMIT	WQ0010681001	
	WASTEWATER	PERMIT	TPDES0002542	
	WASTEWATER	PERMIT	TX0002542	
	USED OIL	REGISTRATION	C86800	
	WASTEWATER LICENSING	LICENSE	WQ0010681001	
Location:	2519 JEFFERSON ST, LAREDO, TX, 78040		Rating Date: 9/1/2006 Repeat Violator: NO	
TCEQ Region:	REGION 16 - LAREDO			
Date Compliance History Prepared:	February 28, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	February 28, 2002 to February 28, 2007			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Anita Keese Phone: (956) 430-6034

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? City of Laredo
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

### Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A

B. Any criminal convictions of the state of Texas and the federal government.  
N/A

C. Chronic excessive emissions events.  
N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 01/27/2003 (155294)
- 2 01/27/2003 (155290)
- 3 01/27/2003 (155304)
- 4 01/27/2003 (155302)
- 5 01/27/2003 (155300)
- 6 01/27/2003 (155297)
- 7 01/29/2003 (22051)
- 8 02/10/2003 (155278)
- 9 02/10/2003 (155306)
- 10 03/03/2003 (155281)
- 11 04/07/2003 (155283)
- 12 05/20/2003 (294285)
- 13 06/20/2003 (294286)
- 14 07/17/2003 (155291)
- 15 08/20/2003 (294287)
- 16 09/23/2003 (294288)
- 17 10/31/2003 (294289)
- 18 11/24/2003 (294290)
- 19 12/29/2003 (294291)
- 20 01/23/2004 (294292)
- 21 02/23/2004 (294281)
- 22 03/29/2004 (294283)
- 23 04/21/2004 (294284)

CH-1

24	06/14/2004	(351644)
25	07/16/2004	(351645)
26	07/21/2004	(351646)
27	08/30/2004	(351647)
28	09/21/2004	(351648)
29	10/29/2004	(381625)
30	12/08/2004	(381626)
31	12/13/2004	(381627)
32	01/18/2005	(381628)
33	02/15/2005	(381623)
34	03/21/2005	(381624)
35	04/25/2005	(419421)
36	09/08/2005	(440582)
37	10/27/2005	(467998)
38	11/18/2005	(468000)
39	12/12/2005	(467999)
40	12/15/2005	(468001)
41	02/22/2006	(467996)
42	03/09/2006	(467997)
43	05/02/2006	(497938)
44	05/08/2006	(497939)
45	05/22/2006	(463918)
46	06/06/2006	(497940)
47	07/14/2006	(519956)
48	08/18/2006	(519954)
49	09/12/2006	(519955)
50	10/18/2006	(516576)
51	02/02/2007	(538944)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	05/23/2006	(463918)		
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(11)(B) 30 TAC Chapter 305, SubChapter F 305.125(11)(C)[G]			
Rqmt Prov:	PERMIT Section II. H.			
Description:	Failure to submit the annual sludge report.			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Rqmt Prov:	PERMIT Section II. G.			
Description:	Failure to maintain the results of all liquid paint filter tests performed.			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Rqmt Prov:	PERMIT Section I. 1. b.			
Description:	Failure to provide a flow measuring device on the discharge to the outfall on the Rio Grande River.			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Rqmt Prov:	PERMIT Section I. 1.b.			
Description:	Failure to measure and record flow.			

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 9, 2007

TCEQ

DATES	Assigned	27-Feb-2007	Screening	5-Mar-2007	EPA Due	
	PCW	27-Apr-2007				

## RESPONDENT/FACILITY INFORMATION

Respondent	City of Laredo		
Reg. Ent. Ref. No.	RN100524099		
Facility/Site Region	16-Laredo	Major/Minor Source	Major

## CASE INFORMATION

Enf./Case ID No.	32938	No. of Violations	9	
Docket No.	2007-0441-MLM-E	Order Type	Findings	
Media Program(s)	Public Water Supply	Enf. Coordinator	Thomas Barnett	
Multi-Media		EC's Team	Enforcement Team 2	
Admin. Penalty \$	Limit Minimum	\$50	Maximum	\$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1 **\$4,010**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 31% Enhancement Subtotals 2, 3, & 7 **\$1,243**

Notes

The penalty enhancement is due to three prior Notice of Violations (NOVs) containing violations that are the same or similar to the violations in the current enforcement action, and eight NOVs with dissimilar violations.

**Culpability**

No

0% Enhancement

Subtotal 4 **\$0**

Notes

The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply**

0% Reduction

Subtotal 5 **\$0**

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria.

Total EB Amounts **\$6,721**  
Approx. Cost of Compliance **\$10,300**

0% Enhancement\*  
\*Capped at the Total EB \$ Amount

Subtotal 6 **\$0**

### SUM OF SUBTOTALS 1-7

Final Subtotal **\$5,253**

### OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount **\$5,253**

### STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty **\$5,253**

### DEFERRAL

0%

Reduction

Adjustment **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

### PAYABLE PENALTY

**\$5,253**

PCW-ZB

Screening Date 5-Mar-2007

Docket No. 2007-0441-MLM-E

PCW

Respondent City of Laredo

Policy Revision 2 (September 2002)

Case ID No. 32938

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100524099

Media [Statute] Public Water Supply

Enf. Coordinator Thomas Barnett

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	3	15%
	Other written NOVs	8	16%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 31%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

The penalty enhancement is due to three prior Notice of Violations (NOVs) containing violations that are the same or similar to the violations in the current enforcement action, and eight NOVs with dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 31%

Screening Date 5-Mar-2007

Docket No. 2007-0441-MLM-E

PCW

Respondent City of Laredo

Policy Revision 2 (September 2002)

Case ID No. 32938

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100524099

Media [Statute] Public Water Supply

Enf. Coordinator Thomas Barnett

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.44(h)

Violation Description

Failed to conduct an annual inspection, tested by a certified backflow prevention assembly tester, on all backflow prevention assemblies used for health hazard protection. Specifically, the City did not conduct testing on known backflow prevention assemblies in the past 12 months and were not maintaining an updated list of all establishments requiring a backflow prevention device in its cross-connection control program.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 50%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to have backflow assemblies tested, ensuring their functionality, could expose the customers of the water supply to pollutants which would exceed levels that are protective of human health.

Adjustment \$500

\$500

## Violation Events

Number of Violation Events 1

365 Number of violation days

mark only one  
with an x

daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$500

One annual event recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$5,479

Violation Final Penalty Total \$655

This violation Final Assessed Penalty (adjusted for limits) \$655

## Economic Benefit Worksheet

Respondent City of Laredo  
 Case ID No. 32938  
 Reg. Ent. Reference No. RN100524099  
 Media: Public Water Supply  
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

There were no delayed costs associated with this violation.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$5,000	11-Jan-2006	11-Jan-2007	1.9	\$479	\$5,000	\$5,479
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to conduct annual testing of known backflow assembly devices calculated for the year prior to the date of the investigation.

Approx. Cost of Compliance

\$5,000

TOTAL

\$5,479



Screening Date 5-Mar-2007

Docket No. 2007-0441-MLM-E

PCW

Respondent City of Laredo

Policy Revision 2 (September 2002)

Case ID No. 32938

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100524099

Media [Statute] Public Water Supply

Enf. Coordinator Thomas Barnett

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.46(f)(4)(A)

Violation Description

Failed to provide the number of connections in the distribution system which is required to determine compliance with the requirements of 30 Tex. Admin. Code Ch. 290. Specifically, the City did not provide the number of metered and unmetered connections in the distribution system per pressure plane which is required for the Commission to calculate minimum system requirements.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

100% of the rule requirement is not met.

Adjustment \$750

\$250

## Violation Events

Number of Violation Events 1

54

Number of violation days

mark only one  
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$28

Violation Final Penalty Total \$327

This violation Final Assessed Penalty (adjusted for limits) \$327

## Economic Benefit Worksheet

Respondent City of Laredo  
 Case ID No. 32938  
 Reg. Ent. Reference No. RN100524099  
 Media Public Water Supply  
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	11-Jan-2007	31-Oct-2007	0.8	\$1	\$27	\$28
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost to obtain an accurate number of connections for the system. The date required is the date of the investigation and the final date is the estimated date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There were no avoided costs associated with this violation.

Approx. Cost of Compliance

\$500

TOTAL

\$28

Screening Date 5-Mar-2007

Docket No. 2007-0441-MLM-E

PCW

Respondent City of Laredo

Policy Revision 2 (September 2002)

Case ID No. 32938

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100524099

Media [Statute] Public Water Supply

Enf. Coordinator Thomas Barnett

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.42(e)

Violation Description

Failed to house all gas chlorination and ammonia equipment in separate buildings or separate rooms with impervious walls or partitions separating all mechanical and electrical equipment from the chlorine facilities. Specifically, the gas chlorine and ammonia tanks were located outside the chemical buildings without any form of enclosure.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 50%

## &gt;&gt; Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to protect the gas chlorination and ammonia equipment could expose employees and neighbors of the water system to these chemicals, which would exceed levels that are protective of human health.

Adjustment \$500

\$500

## Violation Events

Number of Violation Events 2

54 Number of violation days

mark only one with an x	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,000

Two monthly events are recommended, calculated from the date of the investigation, January 11, 2007, to the date of case screening, March 6, 2007.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$124

Violation Final Penalty Total \$1,310

This violation Final Assessed Penalty (adjusted for limits) \$1,310

## Economic Benefit Worksheet

Respondent City of Laredo  
 Case ID No. 32938  
 Reg. Ent. Reference No. RN100524099  
 Media Public Water Supply  
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings	\$2,000	11-Jan-2007	30-Nov-2007	0.9	\$6	\$118	\$124
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to properly house chlorination and ammonia equipment. The date required is the date of the investigation and the final date is the estimated date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There were no avoided costs associated with this violation.

Approx. Cost of Compliance

\$2,000

TOTAL

\$124

Screening Date 5-Mar-2007

Docket No. 2007-0441-MLM-E

PCW

Respondent City of Laredo

Policy Revision 2 (September 2002)

Case ID No. 32938

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100524099

Media [Statute] Public Water Supply

Enf. Coordinator Thomas Barnett

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.46(s)

Violation Description

Failed to provide accurate testing equipment or some other means of monitoring the effectiveness of any chemical treatment process used by the system or to verify the accuracy of manual disinfectant residual analyzers in the chlorine residual test kit at least once every 30 days using chlorine solutions of known concentrations. Specifically, the City failed to conduct calibration on the benchtop turbidimeters, online turbidimeters and the online chlorine meters, nor were there any records of such calibration having been conducted.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to calibrate the manual disinfectant residual analyzer could result in improper disinfection or treatment of water and potentially expose the public to pollutants which would not exceed levels that are protective of human health.

Adjustment \$750

\$250

## Violation Events

Number of Violation Events 1

54 Number of violation days

mark only one  
with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$250

One quarterly event is recommended, calculated from the date of the investigation, January 11, 2007, to the date of case screening, March 6, 2007.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$327

This violation Final Assessed Penalty (adjusted for limits) \$327

## Economic Benefit Worksheet

Respondent City of Laredo  
 Case ID No. 32938  
 Reg. Ent. Reference No. RN100524099  
 Media Public Water Supply  
 Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$200	11-Jan-2007	31-Oct-2007	0.8	\$8	n/a	\$8
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to ensure that chlorination equipment is tested for accuracy. The date required is the date of the investigation and the final date is the estimated date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There were no avoided costs associated with this violation.

Approx. Cost of Compliance

\$200

**TOTAL**

\$8

Screening Date 5-Mar-2007

Docket No. 2007-0441-MLM-E

PCW

Respondent City of Laredo

Policy Revision 2 (September 2002)

Case ID No. 32938

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100524099

Media [Statute] Public Water Supply

Enf. Coordinator Thomas Barnett

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 290.46(d)(2)

Violation Description

Failed to maintain a minimum free chlorine residual of 0.2 mg/L or total chlorine of 0.5 mg/L throughout the distribution system at all times. Specifically, on the date of the investigation, the following free chlorine levels were measured within the distribution system; 0.09 mg/L at 141 Cardinal, 0.05 mg/L at 3101 Spring Creek and at the Del Mar elevated storage tank, 0.03 mg/L at 1504 Lane Street, 0.04 mg/L at the Larga Vista ground storage tank ("GST") pump, 0.08 mg/L at 205 Coronado, 0.10 mg/L from the inlet to Highway 359 GST and 0.19 mg/L from the outlet from the Highway 359 GST.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to maintain free chlorine throughout the distribution system could result in customers of the water supply to be exposed to contaminants that would not exceed levels protective of human health.

Adjustment \$750

\$250

## Violation Events

Number of Violation Events 1

54

Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$250

One single event is recommended based on the low chlorine levels on the date of the investigation.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$1,000

Violation Final Penalty Total \$327

This violation Final Assessed Penalty (adjusted for limits) \$327

## Economic Benefit Worksheet

**Respondent** City of Laredo  
**Case ID No.** 32938  
**Reg. Ent. Reference No.** RN100524099  
**Media** Public Water Supply  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

There were no delayed costs associated with this violation.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$1,000	11-Jan-2007	12-Jan-2007	0.0	\$0	\$1,000	\$1,000
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount of additional oversight and maintenance that could have prevented the low chlorine residuals from occurring, calculated for the date that the chlorine residual was below the 0.2 mg/L minimum

Approx. Cost of Compliance

\$1,000

TOTAL

\$1,000



Screening Date 5-Mar-2007

Docket No. 2007-0441-MLM-E

PCW

Respondent City of Laredo

Policy Revision 2 (September 2002)

Case ID No. 32938

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100524099

Media [Statute] Public Water Supply

Enf. Coordinator Thomas Barnett

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)(4)

Violation Description

Failed to maintain all water facilities and related appurtenances in a watertight condition. Specifically, the investigator noted a significant leak at the lower plant and leaking pumps at the Milmo and Hendricks pump stations.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

If the facilities are not maintained in a water-tight condition, customers of the water supply could be exposed to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$750

\$250

## Violation Events

3

54

Number of violation days

mark only one  
with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$750

Three quarterly events (one for each site) are recommended, calculated from the date of the investigation, January 11, 2007, to the date of case screening, March 6, 2007.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$56

Violation Final Penalty Total \$982

This violation Final Assessed Penalty (adjusted for limits) \$982

## Economic Benefit Worksheet

Respondent City of Laredo  
 Case ID No. 32938  
 Reg. Ent. Reference No. RN100524099  
 Media Public Water Supply  
 Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$1,000	11-Jan-2007	31-Oct-2007	0.8	\$3	\$54	\$56
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost to repair the leaks at the lower plant, and the leaking pumps at the Milmo and Hendrick pump stations so that they are in a water-tight condition. The date required is the date of the investigation and the final date is the estimated date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There were no avoided costs associated with this violation.

Approx. Cost of Compliance

\$1,000

TOTAL

\$56

Screening Date 5-Mar-2007

Docket No. 2007-0441-MLM-E

PCW

Respondent City of Laredo

Policy Revision 2 (September 2002)

Case ID No. 32938

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100524099

Media [Statute] Public Water Supply

Enf. Coordinator Thomas Barnett

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code § 290.111(c)(2)

Violation Description

Failed to correctly monitor the turbidity of the combined filter effluent ("CFE"). Specifically, the filter turbidity results for the lower plant filters were not included in the calculations of the CFE Monthly Operating Reports and the monitoring point for the upper plant filters was incorrectly placed downstream of the clearwell.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to correctly monitor turbidity levels of the filters could result in a failure to identify malfunctioning filters resulting in customers of the water supply being exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$750

\$250

## Violation Events

Number of Violation Events 2

54

Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$500

Two quarterly events are recommended for each monitoring point, calculated from the date of the investigation, January 11, 2007, to the date of case screening, March 6, 2007.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$655

This violation Final Assessed Penalty (adjusted for limits) \$655

## Economic Benefit Worksheet

Respondent City of Laredo  
 Case ID No. 32938  
 Reg. Ent. Reference No. RN100524099  
 Media Public Water Supply  
 Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$200	11-Jan-2007	31-Oct-2007	0.8	\$8	n/a	\$8
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to institute a process to ensure correct monitoring of the turbidity of the combined filter effluent at the plant. The date required is the date of the investigation and the final date is the estimated date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There were no avoided costs associated with this violation.

Approx. Cost of Compliance

\$200

TOTAL

\$8

Screening Date 5-Mar-2007

Docket No. 2007-0441-MLM-E

PCW

Respondent City of Laredo

Policy Revision 2 (September 2002)

Case ID No. 32938

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100524099

Media [Statute] Public Water Supply

Enf. Coordinator Thomas Barnett

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 290.111(c)(3)

Violation Description

Failed to correctly monitor the filtered water turbidity of the individual filter effluent ("IFE"). Specifically, the IFE turbidity value was recorded only once per hour beginning on December 1, 2006 instead of every 15 minutes as required.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to monitor turbidity as often as required could result in exposure to significant amounts of contaminants that would not exceed levels protective of human health.

Adjustment \$750

\$250

## Violation Events

Number of Violation Events 2

54 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$500

Two quarterly events are recommended, calculated from the date of the investigation, January 11, 2007, to the date of case screening, March 6, 2007.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$655

This violation Final Assessed Penalty (adjusted for limits) \$655

## Economic Benefit Worksheet

**Respondent** City of Laredo  
**Case ID No.** 32938  
**Reg. Ent. Reference No.** RN100524099  
**Media** Public Water Supply  
**Violation No.** 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$200	1-Dec-2006	31-Oct-2007	0.9	\$9	n/a	\$9
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to increase the rate of turbidity monitoring to every 15 minutes and maintain these records. The date required is the date that the water system began monitoring once per hour and the final date is the estimated date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There were no avoided costs associated with this violation.

Approx. Cost of Compliance

\$200

TOTAL

\$9

Screening Date 5-Mar-2007

Docket No. 2007-0441-MLM-E

PCW

Respondent City of Laredo

Policy Revision 2 (September 2002)

Case ID No. 32938

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100524099

Media [Statute] Public Water Supply

Enf. Coordinator Thomas Barnett

Violation Number 9

Rule Cite(s)

30 Tex. Admin. Code § 290.121(a)

Violation Description

Failed to maintain an up-to-date chemical and microbiological monitoring plan. Specifically, the monitoring plan did not reflect a change in one of the coliform monitoring locations.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Approximately 5% of the rule requirement was not met.

Adjustment \$990

\$10

## Violation Events

Number of Violation Events 1

54 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$10

One single event was recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$13

This violation Final Assessed Penalty (adjusted for limits) \$13

## Economic Benefit Worksheet

Respondent City of Laredo  
 Case ID No. 32938  
 Reg. Ent. Reference No. RN100524099  
 Media Public Water Supply  
 Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$200	11-Jan-2007	31-Oct-2007	0.8	\$8	n/a	\$8
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to institute procedures to ensure that the chemical and microbiological plan are updated when changes occur. The date required is the date of the investigation and the final date is the estimated date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There were no avoided costs associated with this violation.

Approx. Cost of Compliance

\$200

TOTAL

\$8





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 9, 2007

TCEQ

Assigned	27-Feb-2007
PCW	27-Apr-2007
Screening	6-Mar-2007
EPA Due	

## RESPONDENT/FACILITY INFORMATION

Respondent	City of Laredo		
Reg. Ent. Ref. No.	RN100524099		
Facility/Site Region	16-Laredo	Major/Minor Source	Major

## CASE INFORMATION

Enf./Case ID No.	32938	No. of Violations	1	
Docket No.	2007-0441-MLM-E	Order Type	Findings	
Media Program(s)	Public Water Utilities	Enf. Coordinator	Anita Keese	
Multi-Media		EC's Team	EnforcementTeam 2	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$500

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1 **\$125**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 22% Enhancement Subtotals 2, 3, & 7 **\$27**

Notes: The penalty enhancement is due to eleven prior Notice of Violations (NOVs) containing violations that are dissimilar to the violations in the current enforcement action.

**Culpability** No 0% Enhancement Subtotal 4 **\$0**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 0% Reduction Subtotal 5 **\$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

**Total EB Amounts** \$44 **0% Enhancement\*** Subtotal 6 **\$0**  
**Approx. Cost of Compliance** \$1,000 **\*Capped at the Total EB \$ Amount**

**SUM OF SUBTOTALS 1-7** Final Subtotal **\$152**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

**Final Penalty Amount** **\$152**

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty **\$152**

**DEFERRAL** 0% Reduction Adjustment **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY** **\$152**

PCW-2A

Screening Date 6-Mar-2007

Docket No. 2007-0441-MLM-E

PCW

Respondent City of Laredo

Policy Revision 2 (September 2002)

Case ID No. 32938

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100524099

Media [Statute] Public Water Utilities

Enf. Coordinator Anita Keese

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	11	22%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 22%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

The penalty enhancement is due to eleven prior Notice of Violations (NOVs) containing violations that are dissimilar to the violations in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 22%

Screening Date 6-Mar-2007

Docket No. 2007-0441-MLM-E

PCW

Respondent City of Laredo

Policy Revision 2 (September 2002)

Case ID No. 32938

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100524099

Media [Statute] Public Water Utilities

Enf. Coordinator Anita Keese

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 291.93(3)

Violation Description

Failed to submit to the executive director a planning report that clearly explains how the retail public utility, that has reached 85% of its capacity, will provide the expected service demands to the remaining areas within the boundaries of its certified area. Specifically, the system averages 89% of the capacity for the system at the time of the investigation and no planning report had been submitted.

Base Penalty \$500

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification			
	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$375

\$125

## Violation Events

Number of Violation Events 1

54

Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$125

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$44

Violation Final Penalty Total \$152

This violation Final Assessed Penalty (adjusted for limits) \$152

## Economic Benefit Worksheet

Respondent City of Laredo  
 Case ID No. 32938  
 Reg. Ent. Reference No. RN100524099  
 Media Public Water Utilities  
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$1,000	11-Jan-2007	30-Nov-2007	0.9	\$44	n/a	\$44
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to produce and maintain a planning report for the public water system. The date required is the date of the investigation and the final date is the projected date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

54

\$44

## Compliance History

Customer/Respondent/Owner-Operator:	CN600131908	City of Laredo	Classification: AVERAGE	Rating: 1.79
Regulated Entity:	RN100524099	CITY OF LAREDO WATER SYSTEM	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY		REGISTRATION	2400001
	WATER LICENSING		LICENSE	2400001
Location:	2519 JEFFERSON ST, LAREDO, TX, 78040			
TCEQ Region:	REGION 16 - LAREDO			
Date Compliance History Prepared:	February 28, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	February 28, 2002 to February 28, 2007			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Anita Keese Phone: (956) 430-6034

### Site Compliance History Components

- |  |     |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

### Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A

B. Any criminal convictions of the state of Texas and the federal government.  
N/A

C. Chronic excessive emissions events.  
N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- |    |            |          |
|----|------------|----------|
| 1  | 08/16/2002 | (7442)   |
| 2  | 08/21/2003 | (133842) |
| 3  | 12/29/2003 | (257338) |
| 4  | 01/30/2004 | (261231) |
| 5  | 08/30/2004 | (274552) |
| 6  | 07/27/2005 | (401500) |
| 7  | 10/31/2005 | (433701) |
| 8  | 01/03/2006 | (450617) |
| 9  | 03/27/2006 | (460731) |
| 10 | 05/25/2006 | (461811) |
| 11 | 10/17/2006 | (516269) |
| 12 | 02/23/2007 | (541564) |

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	08/16/2002	(7442)		
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.42(a)			
Description:	Failure to operate the surface water treatment plant based on the filter capacity with the largest filter off-line below the system's maximum daily demand.			
Date:	08/21/2003	(133842)		
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(j)[G]			
Description:	Failure to conduct Customer Service Inspections prior to providing water service.			
Date:	12/18/2003	(257338)		
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(6)(E)(ii)[G]			

CH-2

Description: Failure to provide secondary containment for all liquid chemical storage tanks.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(a)  
 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(G)  
 5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide an elevated storage capacity of 111 gallons per connection or a pressure tank capacity of 22.2 gallons per connection for each pressure plane.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(F)  
 5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide a service pump capacity that provides each pump station or pressure plane with two or more pumps that have a total capacity of 2.0 gpm per connection or that have a total capacity of at least 1000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)[G]

Description: Failure to conduct Customer Service Inspections prior to providing water service.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(2)

Description: Failure to acquire plan approval by the executive director for service connections that require booster pumps taking suction from the public water system lines.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)

Description: Failure to provide a water level indicator for the elevated tank at Del Mar.  
 Date: 08/31/2004 (274552)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(6)(E)(ii)[G]

Description: Failure to provide secondary containment for all liquid chemical storage tanks.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(a)  
 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(G)  
 5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide an elevated storage capacity of 111 gallons per connection or a pressure tank capacity of 22.2 gallons per connection for each pressure plane.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(F)  
 5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide a service pump capacity that provides each pump station or pressure plane with two or more pumps that have a total capacity of 2.0 gpm per connection or that have a total capacity of at least 1000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(2)

Description: Failure to acquire plan approval by the executive director for service connections that require booster pumps taking suction from the public water system lines.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)

Description: Failure to design overflows in strict accordance with current AWWA standards so that the discharge opening of the overflow is above the surface of the ground and not be subject to submergence.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)

Description: Failure to provide an intruder-resistant fence in order to protect all storage tanks.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)  
 30 TAC Chapter 290, SubChapter D 290.45(a)

Description: Failure to provide a flow measuring device to measure the treated water discharged from the plant.  
 Date: 06/29/2005 (398125)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(r)

Description: Failure to maintain a minimum pressure of 35 psi throughout the distribution system under normal operating conditions or 20 psi during emergencies.  
 Date: 07/12/2005 (399831)  
 Self Report? NO Classification: Major  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(r)

Description: Failure to maintain a minimum pressure of 35 psi throughout the distribution system under normal operating conditions or 20 psi during emergencies.  
 Date: 07/13/2005 (399893)  
 Self Report? NO Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.46(r)  
 Description: Failure to maintain a minimum pressure of 35 psi throughout the distribution system under normal operating conditions or 20 psi during emergencies.  
 Date: 07/27/2005 (401500)  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(a)  
 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(G)  
 5A THC Chapter 341, SubChapter A 341.0315(c)  
 Description: Failure to provide an elevated storage capacity of 111 gallons per connection or a pressure tank capacity of 22.2 gallons per connection for each pressure plane.  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(F)  
 5A THC Chapter 341, SubChapter A 341.0315(c)  
 Description: Failure to provide a service pump capacity that provides each pump station or pressure plane with two or more pumps that have a total capacity of 2.0 gpm per connection or that have a total capacity of at least 1000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less.  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(2)  
 Description: Failure to acquire plan approval by the executive director for service connections that require booster pumps taking suction from the public water system lines.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)  
 Description: Failure to design overflows in strict accordance with current AWWA standards so that the discharge opening of the overflow is above the surface of the ground and not be subject to submergence.  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)  
 30 TAC Chapter 290, SubChapter D 290.45(a)  
 Description: Failure to provide a flow measuring device to measure the treated water discharged from the plant.  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(r)  
 Description: Failure to maintain a minimum pressure of 35 psi throughout the distribution system under normal operating conditions or 20 psi during emergencies.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
 Description: Failure to ensure the good working condition and general appearance of the system's facilities and equipment.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(q)(1)  
 30 TAC Chapter 290, SubChapter D 290.47(e)  
 Description: Failure to issue a boil water notification to the customers within 24 hours using the prescribed notification format as specified in 30 Tex. Admin. Code § 290.47(e).  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(a)  
 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(E)  
 5A THC Chapter 341, SubChapter A 341.0315(c)  
 Description: Failure to provide a total storage capacity of 222 gallons per connection for each pressure plane.  
 Date: 09/14/2005 (431454)  
 Self Report? NO Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.46(r)  
 Description: Failure to maintain a minimum pressure of 35 psi throughout the distribution system under normal operating conditions or 20 psi during emergencies.  
 Date: 01/04/2006 (450617)  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(r)  
 Description: Failure to maintain a minimum pressure of 35 psi throughout the distribution system under normal operating conditions or 20 psi during emergencies.  
 Date: 05/26/2006 (461811)  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(a)  
 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(G)  
 5A THC Chapter 341, SubChapter A 341.0315(c)  
 Description: Failure to provide an elevated storage capacity of 111 gallons per connection or a pressure tank capacity of 22.2 gallons per connection for each pressure plane.  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(F)  
 5A THC Chapter 341, SubChapter A 341.0315(c)  
 Description: Failure to provide a service pump capacity that provides each pump station or

pressure plane with two or more pumps that have a total capacity of 2.0 gpm per connection or that have a total capacity of at least 1000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(2)

Description: Failure to acquire plan approval by the executive director for service connections that require booster pumps taking suction from the public water system lines.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)

Description: Failure to design overflows in strict accordance with current AWWA standards so that the discharge opening of the overflow is above the surface of the ground and not be subject to submergence.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(r)

Description: Failure to maintain a minimum pressure of 35 psi throughout the distribution system under normal operating conditions or 20 psi during emergencies.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to ensure the good working condition and general appearance of the system's facilities and equipment.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(a)  
30 TAC Chapter 290, SubChapter D 290.45(b)(2)(E)  
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide a total storage capacity of 222 gallons per connection for each pressure plane.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.111(f)(2)

Description: Failure to accurately report the results of the individual filter effluent monitoring.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)[G]

Description: Failure to conduct the annual testing of all backflow prevention assemblies in the system.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)(1)

Description: Failure to provide an individual with the required certification to perform Customer Service Inspections.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(m)

Description: Failure to provide an intruder-resistant fence around the water treatment plant.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)

Description: Failure to conduct annual inspections on all water storage tanks.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)(A)

Description: Failure to submit any additional documentation that the executive director may require to determine compliance.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF LAREDO;  
RN100524099, RN101608545**

§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-0441-MLM-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Laredo ("the City") under the authority of TEX. HEALTH & SAFETY CODE ch. 341; TEX. WATER CODE chs. 7, 13, and 26; and 30 TEX. ADMIN. CODE chs. 290, 291, and 305. The Executive Director of the TCEQ, represented by the Litigation Division, and the City, presented this agreement to the Commission.

The City understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the City agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the City.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **FINDINGS OF FACT**

1. The City owns and operates a public water supply system located at 2519 Jefferson Street in Laredo, Webb County, Texas (the "PWS Facility") that has 61,481 service connections and serves at least 25 people per day for at least 60 days per year.
2. The City owns and operates, in Texas and for compensation, equipment or facilities for the transmission, storage, distribution, sale, or provision of potable water to the public or for the

resale of potable water to the public for any use (the "Utility"). The City is not exempt from regulation under TEX. WATER CODE ch. 13 or the rules of the Commission.

3. The City owns and operates a wastewater treatment plant located at 2519 Jefferson Street in Laredo, Webb County, Texas (the "WQ Facility"). The City has discharged municipal waste into or adjacent to any water in the state or has committed another act that has caused or will cause pollution of any water in the state under the Texas Water Code.
4. During an investigation of the PWS Facility conducted on January 11, 2007, January 18, 2007, and January 19, 2007, a TCEQ Laredo Regional Office investigator documented that the City failed to conduct an annual inspection, tested by a certified backflow prevention assembly tester, on all backflow prevention assemblies used for health hazard protection. Specifically, the City did not conduct testing on known backflow prevention assemblies in the past 12 months and were not maintaining an updated list of all establishments requiring a backflow prevention device in its cross-connection control program.
5. During an investigation of the PWS Facility conducted on January 11, 2007, January 18, 2007, and January 19, 2007, a TCEQ Laredo Regional Office investigator documented that the City failed to provide the number of connections in the distribution system which is required to determine compliance with the requirements of 30 TEX. ADMIN. CODE ch. 290. Specifically, the City did not provide the number of metered and unmetered connections in the distribution system per pressure plane which is required for the Commission to calculate minimum system requirements.
6. During an investigation of the PWS Facility conducted on January 11, 2007, January 18, 2007, and January 19, 2007, a TCEQ Laredo Regional Office investigator documented that the City failed to house all gas chlorination and ammonia equipment in separate buildings or separate rooms with impervious walls or partitions separating all mechanical and electrical equipment from the chlorine facilities. Specifically, the gas chlorine and ammonia tanks were located outside the chemical buildings without any form of enclosure.
7. During an investigation of the PWS Facility conducted on January 11, 2007, January 18, 2007, and January 19, 2007, a TCEQ Laredo Regional Office investigator documented that the City failed to provide accurate testing equipment or some other means of monitoring the effectiveness of any chemical treatment process used by the system or to verify the accuracy of manual disinfectant residual analyzers in the chlorine residual test kit at least once every 30 days using chlorine solutions of known concentrations. Specifically, the City failed to conduct calibration on the benchtop turbidimeters, online turbidimeters and the online chlorine meters, nor were there any records of such calibration having been conducted.

8. During an investigation of the PWS Facility conducted on January 11, 2007, January 18, 2007, and January 19, 2007, a TCEQ Laredo Regional Office investigator documented that the City failed to maintain a minimum free chlorine residual of 0.2 milligrams per liter ("mg/L") or total chlorine of 0.5 mg/L throughout the distribution system at all times. Specifically, on the date of the investigation, the following free chlorine levels were measured within the distribution system: 0.09 mg/L at 141 Cardinal, 0.05 mg/L at 3101 Spring Creek and at the Del Mar elevated storage tank, 0.03 mg/L at 1504 Lane Street, 0.04 mg/L at the Larga Vista ground storage tank ("GST") pump, 0.08 mg/L at 205 Coronado, 0.10 mg/L from the inlet to Highway 359 GST and 0.19 mg/L from the outlet from the Highway 359 GST.
9. During an investigation of the PWS Facility conducted on January 11, 2007, January 18, 2007, and January 19, 2007, a TCEQ Laredo Regional Office investigator documented that the City failed to maintain all water facilities and related appurtenances in a watertight condition. Specifically, the investigator noted a significant leak at the lower plant and leaking pumps at the Milmo and Hendricks pump stations.
10. During an investigation of the PWS Facility conducted on January 11, 2007, January 18, 2007, and January 19, 2007, a TCEQ Laredo Regional Office investigator documented that the City failed to correctly monitor the turbidity of the combined filter effluent ("CFE"). Specifically, the filter turbidity results for the lower plant filters were not included in the calculations of the CFE Monthly Operating Reports and the monitoring point for the upper plant filters was incorrectly placed downstream of the clearwell.
11. During an investigation of the PWS Facility conducted on January 11, 2007, January 18, 2007, and January 19, 2007, a TCEQ Laredo Regional Office investigator documented that the City failed to correctly monitor the filtered water turbidity of the individual filter effluent ("IFE"). Specifically, the IFE turbidity value was recorded only once per hour beginning on December 1, 2006 instead of every 15 minutes as required.
12. During an investigation of the PWS Facility conducted on January 11, 2007, January 18, 2007, and January 19, 2007, a TCEQ Laredo Regional Office investigator documented that the City failed to maintain an up-to-date chemical and microbiological monitoring plan. Specifically, the monitoring plan did not reflect a change in one of the coliform monitoring locations.
13. During an investigation of the Utility conducted on January 11, 2007, January 18, 2007, and January 19, 2007, a TCEQ Laredo Regional Office investigator documented that the City failed to submit to the Executive Director a planning report that clearly explains how the retail public utility, that has reached 85% of its capacity, will provide the expected service demands to the remaining areas within the boundaries of its certified area.

14. During an investigation of the WQ Facility conducted on January 11, 2007 and January 18, 2007, a TCEQ Laredo Regional Office investigator documented that the City failed to submit the annual sludge report to the Commission by the September 1, 2006 deadline.
15. The City received notice of enforcement regarding the violations in paragraphs 4 through 13 on or about February 26, 2007.
16. The City received notice of enforcement regarding the violation in paragraph 14 on or about February 7, 2007.

### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 through 3, the City is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE chs. 7, 13, and 26 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 4, the City failed to conduct an annual inspection, tested by a certified backflow prevention assembly tester, on all backflow prevention assemblies used for health hazard protection, in violation of 30 TEX. ADMIN. CODE § 290.44(h).
3. As evidenced by Finding of Fact No. 5, the City failed to provide the number of connections in the distribution system which is required to determine compliance with the requirements of 30 TEX. ADMIN. CODE ch. 290, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(4)(A).
4. As evidenced by Finding of Fact No. 6, the City failed to house all gas chlorination and ammonia equipment in separate buildings or separate rooms with impervious walls or partitions separating all mechanical and electrical equipment from the chlorine facilities, in violation of 30 TEX. ADMIN. CODE § 290.42(e).
5. As evidenced by Finding of Fact No. 7, the City failed to provide accurate testing equipment or some other means of monitoring the effectiveness of any chemical treatment process used by the system or to verify the accuracy of manual disinfectant residual analyzers in the chlorine residual test kit at least once every 30 days using chlorine solutions of known concentrations, in violation of 30 TEX. ADMIN. CODE § 290.46(s).
6. As evidenced by Finding of Fact No. 8, the City failed to maintain a minimum free chlorine residual of 0.2 mg/L or total chlorine of 0.5 mg/L throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE § 290.46(d)(2).

7. As evidenced by Finding of Fact No. 9, the City failed to maintain all water facilities and related appurtenances in a watertight condition, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4).
8. As evidenced by Finding of Fact No. 10, the City failed to correctly monitor the turbidity of the CFE, in violation of 30 TEX. ADMIN. CODE § 290.111(c)(2).
9. As evidenced by Finding of Fact No. 11, the City failed to correctly monitor the filtered water turbidity of the IFE, in violation of 30 TEX. ADMIN. CODE § 290.111(c)(3).
10. As evidenced by Finding of Fact No. 12, the City failed to maintain an up-to-date chemical and microbiological monitoring plan, in violation of 30 TEX. ADMIN. CODE § 290.121(a).
11. As evidenced by Finding of Fact No. 13, the City failed to submit to the Executive Director a planning report that clearly explains how the retail public utility, that has reached 85% of its capacity, will provide the expected service demands to the remaining areas within the boundaries of its certified area, in violation of 30 TEX. ADMIN. CODE § 291.93(3).
12. As evidenced by Finding of Fact No. 14, the City failed to submit the annual sludge report to the Commission by September 1, 2006, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollution Discharge Elimination System ("TPDES") Permit No. 10681-001 Sludge Provisions.
13. Pursuant to TEX. WATER CODE §§ 7.051 and 13.4151 and TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the City for violations of the Texas Water Code, Texas Health & Safety Code, TCEQ rules, and orders adopted under the Code.
14. An administrative penalty in the amount of eight thousand thirty dollars (\$8,030.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE §§ 7.053 and 13.4151 and TEX. HEALTH & SAFETY CODE § 341.049(b). Eight thousand thirty dollars (\$8,030.00) of the administrative penalty shall be conditionally offset by the City's completion of a Supplemental Environmental Project ("SEP") as defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

### ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The City is assessed an administrative penalty in the amount of eight thousand thirty dollars (\$8,030.00) as set forth in Conclusion of Law No. 14 for violations of TEX. WATER CODE chs. 7, 13 and 26, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: City of Laredo, TCEQ Docket No. 2007-0441-MLM-E; Enforcement ID No. 32938" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The City shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067 and as set forth in Conclusion of Law No. 14 above. Eight thousand thirty dollars (\$8,030.00) of the assessed administrative penalty shall be offset with the condition that the City implement and complete a SEP pursuant to the terms of the SEP as defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The City shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order, the City shall:
    - i. Begin correctly monitoring the turbidity of the CFE, in accordance with 30 TEX. ADMIN. CODE § 290.111;
    - ii. Begin correctly monitoring the filtered water turbidity of the IFE, in accordance with 30 TEX. ADMIN. CODE § 290.111; and

- iii. Begin operating the water system's chlorination facilities to maintain a free chlorine residual of 0.2 mg/L throughout the distribution system at all times, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- b. Within 30 days after the effective of this Agreed Order, the City shall:
  - i. Submit written certification as described in Ordering Provision No. 3.e. below, and include detailed supporting documentation including photographs, receipts, and/or other reports to demonstrate compliance with Ordering Provision Nos. 3.a.i., 3.a.ii., and 3.a.iii.;
  - ii. Update the chemical and microbiological monitoring plan so that it includes all locations where coliform monitoring is conducted, in accordance with 30 TEX. ADMIN. CODE § 290.121;
  - iii. Calibrate and maintain records for the calibration of the benchtop turbidimeters, online turbidimeters, and online chlorine meters, in accordance with 30 TEX. ADMIN. CODE § 290.46;
  - iv. Provide the number of connections in the distribution system to the Commission, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
  - v. Repair the leaks at the lower plant and the pumps at the Milmo and Hendricks pump stations, in accordance with 30 TEX. ADMIN. CODE § 290.46.
  - vi. Submit the annual sludge report for the monitoring period ending July 31, 2006, in accordance with 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 10681-001 Sludge Provisions to:

Compliance Monitoring Team  
Enforcement Division, MC 224  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- c. Within 60 days after the effective date of this Agreed Order, the City shall:
  - i. Submit written certification as described in Ordering Provision No. 3.e. below, and include detailed supporting documentation including photographs, receipts, and/or other reports to demonstrate compliance with Ordering Provision Nos. 3.b.ii., 3.b.iii., 3.b.iv., 3.b.v., and 3.b.vi.;

- ii. Update the cross-connection control program, test all backflow prevention assemblies and certify each to be operating within specifications, in accordance with 30 TEX. ADMIN. CODE § 290.44;
  - iii. Contain all gas chlorination and ammonia equipment in separate buildings or separate rooms with impervious walls or partitions separating all mechanical and electrical equipment from the disinfection facilities, in accordance with 30 TEX. ADMIN. CODE § 290.42; and
  - iv. Submit a planning report that clearly explains how the retail public utility will provide the expected service demands to the remaining areas within the boundaries of its certified area, in accordance with 30 TEX. ADMIN. CODE § 291.93.
- d. Within 75 days after the effective date of this Agreed Order, the City shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other reports to demonstrate compliance with Ordering Provision Nos. 3.c.ii., 3.c.iii., and 3.c.iv.
- e. The certifications required by Ordering Provision Nos. 3.b.i, 3.c.i, and 3.d. shall be notarized by a State of Texas Notary Public and include the following certification language:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

The certifications shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:



Rose Luna-Pirtle, Water Section Manager  
Laredo Regional Office  
Texas Commission on Environmental Quality  
707 East Calton Road, Suite 304  
Laredo, Texas 78041-3887

4. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the operations of the facilities referenced in this Agreed Order.
5. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City has the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the City if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all terms and conditions set forth in this Agreed Order, whichever is later.
9. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of the TEX. WATER CODE or the TEX. HEALTH & SAFETY CODE.
10. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be

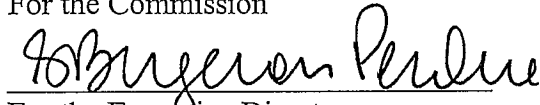
transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

5/19/08

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Laredo. I represent that I am authorized to agree to the attached Agreed Order on behalf of the City of Laredo, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, the City of Laredo waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

RAUL G. SALINAS

Name (printed or typed)

Authorized Representative

City of Laredo

3/14/2008

Date

MAYOR

Title

Attachment A  
Docket Number: 2007-0441-MLM-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** City of Laredo

**Penalty Amount:** Eight thousand thirty dollars (\$8,030)

**SEP Amount:** Eight thousand thirty dollars (\$8,030)

**Type of SEP:** Pre-approved SEP

**Third-Party Recipient:** Texas Association of Resource Conservation & Development Areas, Inc. ("RC&D") *Water or Wastewater Treatment Assistance*

**Location of SEP:** Webb County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be to the **Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")** for the *Water or Wastewater Treatment Assistance* program in Webb County. Any remaining SEP funds after completion of the water or wastewater project may, upon approval of the Executive Director, be spent on the Plugging Abandoned Water Wells program, Cleanup of Unauthorized Trash Dumps, Abandoned Tire Site Cleanup, or other approved project to be conducted within Webb County. Specifically, SEP monies will pay for assistance to low-income residents with failing on-site wastewater systems or shallow or improperly designed potable water wells. The projects will be administered in accordance with federal, state, and local environmental laws and regulations.

Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

The wastewater portion of this SEP will provide a discernible environmental benefit by preventing the release of sewage into the environment. Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. People can be exposed through:

- Sewage in drinking water sources.
- Direct contact in areas of public access such as in lawns or streets, or waters used for recreation.

- Shellfish harvested from areas contaminated by raw sewage.
- Inhalation and skin absorption.

Sewage overflows may cause damage to the environment. A key concern with sewage overflows is the effect on rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause excess algae blooms, and kill fish and other organisms in aquatic habitats.

The unauthorized trash dump and abandoned tire clean up portions of this project would provide a discernable environmental benefit by providing for the proper disposal of debris and waste, reducing the potential health threats associated with illegally dumped wastes, helping rid the community of hazardous contaminants that may leach into the soil and water, and helping to prevent the release of harmful chemicals into the air should illegally dumped tires catch fire.

The plugging of abandoned wells project would provide an environmental benefit by reducing the potential for contamination of groundwater and aquifers from pollutants that may be dumped into the well opening.

Recycling of antifreeze would provide an environmental benefit by providing a convenient disposal method for used antifreeze. Antifreeze (ethylene glycol) is a common coolant for automobile engines. Ingestion of antifreeze and its derivatives may lead to kidney failure and harmful effects to the liver. Exposure to ethylene glycol may cause eye and skin irritation. If improperly disposed in the environment, ethylene glycol may be ingested by domestic animals or wildlife. Ingestion may be fatal to small animals. A sudden release of ethylene or propylene glycol into a waterway can produce adverse impacts upon fresh water and marine environments. Glycol degradation in the environment has a high oxygen demand and as a result threatens or negatively impacts aquatic life. Ammonia gas is also released to the environment by the degradation of glycols.

C. Minimum Expenditure

Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, Respondent shall contribute the SEP Amount to the Third-Party Recipient. Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation  
and Development Areas, Inc. (RC&D)  
Attention: Eddi Darilek  
1716 Briarcrest Drive Suite 510  
Bryan, Texas 77802-2700

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. Respondent shall mail a copy of the check and transmittal letter to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

In the event of incomplete performance, the Respondent shall submit a check for any remaining amount due with the notation "SEP Refund" and the docket number of the case, and shall send it to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.